

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DESMOND CAMP, ET AL.,

Petitioners,

Case No. 2:20-cv-11667

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

JONATHAN HEMINGWAY, ET AL.,

Respondents.

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**OPINION AND ORDER SUMMARILY DISMISSING THE PETITION FOR  
A WRIT OF HABEAS CORPUS**

**I. INTRODUCTION**

Desmond Camp, Paul Walker, Gary Harris, Prince Albert-Junior Thompson, Bernardo Vargas-Adomes, Aaseem Alam, Bryant Daugherty, Anthony Edwards, Thomas G. Thompson (together, “Petitioners”), confined at the Federal Correctional Institution in Milan, Michigan, filed a joint *pro se* application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. On July 9, 2020, Magistrate Judge R. Steven Whalen signed an “Order to Correct Deficiency,” in which Petitioners were ordered to submit a \$5.00 fee for filing a habeas corpus petition or an application to proceed *in forma pauperis* within twenty-one days of the order. At the time of this writing, Petitioners have neither submitted the \$5.00 filing fee or an

application to proceed *in forma pauperis*. For the reasons that follow, Petitioner's petition for a writ of habeas corpus (ECF No. 1) is dismissed without prejudice.

## II. DISCUSSION

Upon review of the present matter, the Court finds that Petitioners failed to comply with the order of deficiency by either submitting the \$5.00 filing fee or an application to proceed *in forma pauperis*.

If a prisoner who seeks habeas corpus relief does not comply with a district court's directions in a deficiency order—including directions regarding the prisoner's failure to pay the full filing fee or provide the required documentation to apply to proceed *in forma pauperis*—the district court must presume that the prisoner is not a pauper, assess the full filing fee, and dismiss the case for want of prosecution. *See Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997)). Here, the deficiency order clearly stated that Petitioners were required to submit either the \$5.00 filing fee or an application to proceed *in forma pauperis*. ECF No. 3. Moreover, the deficiency order expressly warned Petitioners that their failure to comply with the order could result in the dismissal of their action. *Id.* In light of Petitioners' failure to pay the requisite filing fee or submit the required application to proceed *in forma pauperis*, the petition is subject to dismissal for want of prosecution. *Gravitt*, 14 F. App'x at 349; *see also Bischoff v. Genesis House*, No. 06-cv-10231, 2006 WL

752755, at \*1 (E.D. Mich. Mar. 21, 2006). Accordingly, the petition for a writ of habeas corpus is summarily dismissed without prejudice.

### **III. ORDER**

**IT IS HEREBY ORDERED** that the Petition for a Writ of Habeas Corpus (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**. Nothing in this order precludes Petitioners from submitting a new habeas petition or petitions with payment of the filing fee or the *in forma pauperis* application

**SO ORDERED.**

Dated: September 24, 2020

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

### **CERTIFICATE OF SERVICE**

A Copy of this Order was served on Desmond Camp, No. 31249-039, Federal Correctional Institution Milan, P.O. Box 1000, Milan, Michigan 48160 on September 24, 2020, by electronic and/or ordinary mail.

/s/ Teresa McGovern  
Deputy Clerk